## REMARKS

In the Office Action mailed November 18, 2002, the Examiner indicated that the amendments made by Applicants in the response filed on July 31, 2002 have been entered (see Paper No. 10, page 2). The Examiner has withdrawn the restriction requirement made in the previous Office Action (mailing date of July 2, 2002), and has restricted the claims to two groups. The Examiner has also indicated that certain claims are generic to patentably distinct species. Thus, the Examiner has required the Applicants to elect between Group I (claims 2, 3, and 16 and claims 1, 6-15, and 17-47, in part) and Group II claims (claims 4 and 5 and claims 1, 6-15, and 17-47, in part) and to make an election of species. Applicants hereby elect Group I and the species "a compound capable of stimulating an endogenous immune response" (species (f) in paragraph 7 of the Office Action) for prosecution in the captioned application. The claims readable on the elected species are claims 1-3 and 6-47.

Applicants respectfully traverse the Examiner's restriction requirement with respect to the scope, as defined by the Examiner, of the Group I claims. The Examiner has limited the Group I claims (claims 2, 3, and 16 and claims 1, 6-15, and 17-47, in part) to "a method for enhancing the endogenous immune response-mediated specific elimination of a population of pathogenic cells in a host animal, wherein said population comprises *cancer cells*." The Examiner specified the Group II claims (claims 4 and 5 and claims 1, 6-15, and 17-47, in part) as drawn to "a method for enhancing the endogenous immune response-mediated specific elimination of a population of pathogenic cells in a host animal, wherein said population comprises *exogenous pathogens*." Applicants respectfully request that the Examiner modify the restriction requirement with respect to the scope of Group I so that the scope of that group is more in line with Applicants' disclosure. Groups I and II as articulated do not encompass the whole of Applicants' described invention. Group I would be better

specified as inclusive of Applicants' claimed method wherein the population of pathogenic cells comprises *endogenous pathogenic cells*.

The present specification provides that "cancer cells, other pathogenic cells, or infectious agents" are the types of cells that can evade an immune response (page 1, line 22). "[O]ther pathogenic cells" are referenced in addition to "cancer cells" and "infectious agents" (exogenous pathogens) indicating that the invention is not limited to cancer cells and exogenous pathogens. Furthermore, pathogenic cells that are neither "cancer cells" nor "exogenous pathogens" are disclosed in the specification. For example, it is stated that "the ligand-immunogen conjugates of the invention may also be directed to a cell population harboring *endogenous pathogens* wherein pathogen-specific antigens are preferentially expressed on the surface of cells harboring the pathogens, and act as receptors for the ligand with the ligand specifically binding to the antigen." (emphasis added; page 8, lines 24-28). Clearly, this type of cell population is neither a cancer cell population nor a cell population that comprises exogenous pathogens (*n.b.*, it is stated that the cell population harbors *endogenous pathogens*). In sum, the aggregate scope of the two claim groups defined by the Examiner is not commensurate with Applicants' disclosure. Accordingly, Applicants respectfully request that the Examiner modify the statement of the restriction requirement so that the targeted cell population in Group I is specified as *endogenous pathogenic cells*.

Respectfully submitted,

Rebecca Ball

Rebecca L. Ball
Registration No. 46,535
Attorney for Applicants

RVB:glt
(317) 231-7511
Indianapolis, Indiana 46204